

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 488
99TH GENERAL ASSEMBLY

2206H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 37.005, RSMo, and to enact in lieu thereof six new sections relating to the conveyance of state property.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 37.005, RSMo, is repealed and six new sections enacted in lieu thereof, to be known as sections 37.005, 1, 2, 3, 4, and 5 to read as follows:

37.005. 1. Except as provided herein, the office of administration shall be continued as set forth in house bill 384, seventy-sixth general assembly and shall be considered as a department within the meaning used in the Omnibus State Reorganization Act of 1974. The commissioner of administration shall appoint directors of all major divisions within the office of administration.

2. The commissioner of administration shall be a member of the governmental emergency fund committee as ex officio comptroller and the director of the department of revenue shall be a member in place of the director of the division of facilities management, design and construction.

3. The office of administration is designated the "Missouri State Agency for Surplus Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for disposal of surplus federal property. All the powers, duties and functions vested by sections 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration as well as all property and personnel related to the duties. The commissioner shall integrate the program of disposal of federal surplus property with the processes of disposal of state surplus property to provide economical and improved service to state and local agencies of government. The governor shall fix the amount of bond required by section 37.080. All employees transferred

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 shall be covered by the provisions of chapter 36 and the Omnibus State Reorganization Act of
19 1974.

20 4. The commissioner of administration shall replace the director of revenue as a member
21 of the board of fund commissioners and assume all duties and responsibilities assigned to the
22 director of revenue by sections 33.300 to 33.540 relating to duties as a member of the board and
23 matters relating to bonds and bond coupons.

24 5. All the powers, duties and functions of the administrative services section, section
25 33.580 and others, are transferred by a type I transfer to the office of administration and the
26 administrative services section is abolished.

27 6. The commissioner of administration shall, in addition to his or her other duties, cause
28 to be prepared a comprehensive plan of the state's field operations, buildings owned or rented
29 and the communications systems of state agencies. Such a plan shall place priority on improved
30 availability of services throughout the state, consolidation of space occupancy and economy in
31 operations.

32 7. The commissioner of administration shall from time to time examine the space needs
33 of the agencies of state government and space available and shall, with the approval of the board
34 of public buildings, assign and reassign space in property owned, leased or otherwise controlled
35 by the state. Any other law to the contrary notwithstanding, upon a determination by the
36 commissioner that all or part of any property is in excess of the needs of any state agency, the
37 commissioner may lease such property to a private or government entity. Any revenue received
38 from the lease of such property shall be deposited into the fund or funds from which moneys for
39 rent, operations or purchase have been appropriated. The commissioner shall establish by rule
40 the procedures for leasing excess property.

41 8. The commissioner of administration is hereby authorized to coordinate and control
42 the acquisition and use of network, telecommunications, and data processing services in the
43 executive branch of state government. For this purpose, the office of administration will have
44 authority to:

45 (1) Develop and implement a long-range computer facilities plan for the use of network,
46 telecommunications, and data processing services in Missouri state government. Such plan may
47 cover, but is not limited to, operational standards, standards for the establishment, function and
48 management of service centers, coordination of the data processing education, and planning
49 standards for application development and implementation;

50 (2) Approve all additions and deletions of network, telecommunications, and data
51 processing services hardware, software, and support services, and service centers;

52 (3) Establish standards for the development of annual data processing application plans
53 for each of the service centers. These standards shall include review of post-implementation

54 audits. These annual plans shall be on file in the office of administration and shall be the basis
55 for equipment approval requests;

56 (4) Review of all state network, telecommunications, and data processing services
57 applications to assure conformance with the state information systems plan, and the information
58 systems plans of state agencies and service centers;

59 (5) Establish procurement procedures for network, telecommunications, and data
60 processing services hardware, software, and support service;

61 (6) Establish a charging system to be used by all service centers when performing work
62 for any agency;

63 (7) Establish procedures for the receipt of service center charges and payments for
64 operation of the service centers.

65 The commissioner shall maintain a complete inventory of all state-owned or -leased network,
66 telecommunications, and data processing services equipment, and annually submit a report to
67 the general assembly which shall include starting and ending network, telecommunications, and
68 data processing services costs for the fiscal year previously ended, and the reasons for major
69 increases or variances between starting and ending costs. The commissioner shall also adopt,
70 after public hearing, rules and regulations designed to protect the rights of privacy of the citizens
71 of this state and the confidentiality of information contained in computer tapes or other storage
72 devices to the maximum extent possible consistent with the efficient operation of the office of
73 administration and contracting state agencies.

74 9. Except as provided in subsection 12 of this section, the fee title to all real property
75 now owned or hereafter acquired by the state of Missouri, or any department, division,
76 commission, board or agency of state government, other than real property owned or possessed
77 by the state highways and transportation commission, conservation commission, state department
78 of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor.
79 The governor may not convey or otherwise transfer the title to such real property, unless such
80 conveyance or transfer is first authorized by an act of the general assembly. The provisions of
81 this subsection requiring authorization of a conveyance or transfer by an act of the general
82 assembly shall not, however, apply to the granting or conveyance of an easement **for any**
83 **purpose to any political subdivision of the state; a rural electric cooperative as defined in**
84 **chapter 394[; ~~municipal corporation, quasi-governmental corporation owning or operating a~~**
85 **~~public utility, or~~]; a public utility, except [~~railroads~~] **a railroad, as defined in chapter 386; or**
86 **to accommodate utility service, including electrical, gas, steam, water, sewer, telephone,**
87 **internet, or similar utility service, extended upon or provided to state property or facilities;**
88 **to accommodate rights of access, ingress and egress on or to any state property or facilities;**
89 **or to facilitate the construction, location, relocation, or use of any common elements of****

90 **condominium property if the state is a unit owner within the condominium development.**
91 The governor, with the approval of the board of public buildings, may, upon the request of any
92 state department, agency, board or commission not otherwise being empowered to make its own
93 transfer or conveyance of any land belonging to the state of Missouri which is under the control
94 and custody of such department, agency, board or commission, grant or convey without further
95 legislative action, for such consideration as may be agreed upon, easements across, over, upon
96 or under any such state land to any **political subdivision of the state; a rural electric**
97 **cooperative[;]** as **[governed]** **defined** in chapter 394~~;~~ ~~municipal corporation, or~~
98 ~~quasi-governmental corporation owning or operating a public utility, or~~ ; a public utility, except
99 **a railroad, as defined in chapter 386; or to accommodate utility service, including electrical,**
100 **gas, steam, water, sewer, telephone, internet, or similar utility service, extended upon or**
101 **provided to state property or facilities; to accommodate rights of access, ingress and egress**
102 **on or to state property or facilities; or to facilitate the construction, location, relocation, or**
103 **use of any common elements of condominium property if the state is a unit owner within**
104 **the condominium development.** The easement shall be for the purpose of promoting the
105 general health, welfare and safety of the public and shall include the right of **access, ingress or**
106 **egress** for the purpose of constructing, maintaining or removing any **street, roadway, sidewalk,**
107 **public right-of-way or thoroughfare,** pipeline, power line, **gas line, water or steam line,**
108 **telephone line, internet cable, sewer line,** or other similar ~~[public utility]~~ installation or any
109 equipment or appurtenances necessary to the operation thereof~~;~~ ; except that, a railroad as
110 defined in chapter 386 shall not be included in the provisions of this subsection unless such
111 conveyance or transfer is first authorized by an act of the general assembly. The easement shall
112 be for such consideration as may be agreed upon by the parties and approved by the board of
113 public buildings. The attorney general shall approve the form of the instrument of conveyance.
114 The commissioner of administration shall prepare management plans for such properties in the
115 manner set out in subsection 7 of this section.

116 10. The commissioner of administration shall administer a revolving "Administrative
117 Trust Fund" which shall be established by the state treasurer which shall be funded annually by
118 appropriation and which shall contain moneys transferred or paid to the office of administration
119 in return for goods and services provided by the office of administration to any governmental
120 entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve
121 disbursements from the fund for the purchase of goods or services at the request of the
122 commissioner of administration or the commissioner's designee. The provisions of section
123 33.080 notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent
124 to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total
125 amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval

126 of the oversight division of the joint committee on legislative research. The commissioner shall
127 prepare an annual report of all receipts and expenditures from the fund.

128 11. All the powers, duties and functions of the department of community affairs relating
129 to statewide planning are transferred by type I transfer to the office of administration.

130 12. The titles which are vested in the governor by or pursuant to this section to real
131 property assigned to any of the educational institutions referred to in section 174.020 on June 15,
132 1983, are hereby transferred to and vested in the board of regents of the respective educational
133 institutions, and the titles to real property and other interests therein hereafter acquired by or for
134 the use of any such educational institution, notwithstanding provisions of this section, shall vest
135 in the board of regents of the educational institution. The board of regents may not convey or
136 otherwise transfer the title to or other interest in such real property unless the conveyance or
137 transfer is first authorized by an act of the general assembly, except as provided in section
138 174.042, and except that the board of regents may grant easements over, in and under such real
139 property without further legislative action.

140 13. Notwithstanding any provision of subsection 12 of this section to the contrary, the
141 board of governors of Missouri Western State University, University of Central Missouri,
142 Missouri State University, or Missouri Southern State University, or the board of regents of
143 Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe State
144 University, or the board of curators of Lincoln University may convey or otherwise transfer for
145 fair market value, except in fee simple, the title to or other interest in such real property without
146 authorization by an act of the general assembly.

147 14. All county sports complex authorities, and any sports complex authority located in
148 a city not within a county, in existence on August 13, 1986, and organized under the provisions
149 of sections 64.920 to 64.950, are assigned to the office of administration, but such authorities
150 shall not be subject to the provisions of subdivision (4) of subsection 6 of section 1 of the
151 Omnibus State Reorganization Act of 1974, Appendix B, RSMo, as amended.

152 15. All powers, duties, and functions vested in the administrative hearing commission,
153 sections 621.015 to 621.205 and others, are transferred to the office of administration by a type
154 III transfer.

**Section 1. 1. The governor is hereby authorized and empowered to sell, transfer,
2 grant, convey, remise, release, and forever quitclaim to all interest of the state of Missouri
3 in property located in the City of Independence, Jackson County, Missouri, described as
4 follows:**

**5 The East 116 feet of Lot 11, FRELING ORCHARD ACRES, a subdivision
6 in Independence, Jackson County, Missouri, except Right-of-Way conveyed
7 to the City of Independence on March 12,1981, and recorded as Document**

8 **No. I 457242. Subject to easement reserved for ingress and egress to**
9 **grantor's adjoining property, reserved across the South Forty (40) feet of the**
10 **conveyed parcel.**

11 **2. The commissioner of administration shall set the terms and conditions for the**
12 **conveyance as the commissioner deems reasonable. Such terms and conditions may**
13 **include, but not be limited to, the number of appraisals required and the time, place, and**
14 **terms of the conveyance.**

15 **3. The attorney general shall approve the form of the instrument of conveyance.**

Section 2. 1. The governor is hereby authorized and empowered to sell, transfer,
2 **grant, convey, remise, release, and forever quitclaim to all interest of the state of Missouri**
3 **in property located in St. Louis, Missouri, described as follows:**

4 **Lots 29, 30, 31, 32, 33 and part of Lots 27 and 28 in Block 2 of**
5 **CHELTENHAM, Lots 21, 22, 23 and part of Lot 20 of WIBLE'S EASTERN**
6 **ADDITION to CHELTENHAM, together with the Western 36 feet of**
7 **former January Avenue vacated under the provisions of Ordinance No.**
8 **52058, and in Blocks 4022 and 4023 of the City of St. Louis, more**
9 **particularly described as follows: Beginning at a point in the North line of**
10 **Wilson Avenue, 40 feet wide, at its intersection with a line 36 feet East of and**
11 **parallel to the West line of former January Avenue, 60 feet wide, as vacated**
12 **under the provisions of Ordinance No. 52058; thence North 82 degrees 57**
13 **minutes 15 seconds West along said North line of Wilson Avenue a distance**
14 **of 355.20 feet to a point; thence North 8 degrees 15 minutes 30 seconds East**
15 **a distance of 472.56 feet to a point in the Southerly Right-of- Way line of**
16 **Interstate Highway 1-44; thence in an Easterly direction along said Right-of-**
17 **Way line North 87 degrees 03 minutes 45 seconds East a distance of 25.59**
18 **feet to an angle point being located in the Eastern line of Lot 20 of Wible's**
19 **Eastern Addition to Cheltenham, said point being 477 feet North along the**
20 **Eastern line of said Wible's Addition from the Northern line of Wilson**
21 **Avenue, 40 feet wide; thence South 87 degrees 53 minutes 03 seconds East**
22 **and along said 1-44 Right-of-Way line 295.71 feet to a point in the West line**
23 **of said former January Avenue vacated as aforesaid at a point being 502.42**
24 **feet North along said line from the Northern line of Wilson Avenue; thence**
25 **North 74 degrees 42 minutes 01 seconds East along the South Right-of-Way**
26 **line of 1-44 a distance of 39.27 feet to a point in a line 36 feet East of and**
27 **parallel to said West line of former January Avenue, vacated as aforesaid;**
28 **thence South 8 degrees 15 minutes 30 seconds West along said line 36 feet**

29 East of the West line of former January Avenue, vacated as aforesaid, a
30 distance of 517.36 feet to the point of beginning.

31 2. The commissioner of administration shall set the terms and conditions for the
32 conveyance as the commissioner deems reasonable. Such terms and conditions may
33 include, but not be limited to, the number of appraisals required and the time, place, and
34 terms of the conveyance.

35 3. The attorney general shall approve the form of the instrument of conveyance.

Section 3. 1. The governor is hereby authorized and empowered to sell, transfer,
2 grant, convey, remise, release, and forever quitclaim to all interest of the state of Missouri
3 in property located in the City of Jefferson, Cole County, Missouri, described as follows:

4 A tract located in the City of Jefferson, Cole County, Missouri, also being
5 part of the tract described by Inlot numbers 73 through 83 and Inlot
6 numbers 313 through 330 of the original City of Jefferson, also commonly
7 known as the state capital grounds; said tract being more particularly
8 described as follows: commencing at the northwest corner of Inlot 84 of the
9 original City of Jefferson, thence, N 48°44'00" W, 403.10 feet to a point on
10 the south right of way line of the Union Pacific Railroad, the point of
11 beginning: Commencing at the northwest corner of Inlot 84 of the original
12 City of Jefferson, thence, N 48°44'00" W, 403.10 feet to a point on the south
13 right of way line of the Union Pacific Railroad, the point of beginning:
14 Thence from the point of beginning, with the south right of way line of the
15 Union Pacific Railroad N 47°38'49" W, 80.73 feet; thence leaving the south
16 right of way line of the Union Pacific Railroad, S 71°14'48" W, 44.32 feet;
17 thence with a non-tangent curve to the right 34.23 feet, curve radius of 49.41
18 feet, chord S 10°25'00" E, 33.55 feet; thence with a non-tangent curve to the
19 right 19.65 feet, curve radius of 76.00 feet, chord S 16°50'12" W, 19.60 feet;
20 thence S 24°14'38" W, 127.11 feet; thence S 22°12'10" E, 40.01 feet; thence
21 with a non-tangent curve to the right 14.86 feet, curve radius of 63.54 feet,
22 chord S 77°04'30" W, 14.82 feet; thence S 23°13'34" E, 22.36 feet; thence
23 N 42°35'20" E, 64.10 feet; thence with a non-tangent curve to the right
24 211.51 feet, curve radius of 82.31 feet, chord N 34°46'36" E, 157.93 feet;
25 thence N 42°21'11" E, 15.56 feet to the point of beginning and contains 0.19
26 acres more or less.

27 2. The commissioner of administration shall set the terms and conditions for the
28 conveyance as the commissioner deems reasonable. Such terms and conditions may

29 include, but not be limited to, the number of appraisals required and the time, place, and
30 terms of the conveyance.

31 3. The attorney general shall approve the form of the instrument of conveyance.

Section 4. 1. The governor is hereby authorized and empowered to sell, transfer,
2 grant, convey, remise, release, and forever quitclaim to all interest of the state of Missouri
3 in property located in Mack's Creek, Camden County, Missouri, described as follows:

4 In Section 13, Township 37 North, Range 18 West of the 5th Principal
5 Meridian, all that part of Lot 4, described as follows: Beginning at the
6 Northeast corner of said Lot 4; thence South with the meanderings of the
7 Niangua River 140 yards; thence West 210 yards; thence North to the North
8 line of said Lot 4; thence East to the place of beginning. ALSO beginning at
9 a point 210 yards West of the Northeast corner of said Lot 4, or at the
10 Northwest corner of above described tract; thence West to the Quarter
11 Section corner on West side of Section; thence South 35 yards; thence East
12 to the West line of first above described tract; thence North to place of
13 beginning. ALSO in said Section 13, Township 37 North, Range 18 West of
14 the 5th Principal Meridian, that part of Lot 3, described as follows:
15 Beginning at the Southwest corner of said Lot 3; thence East 420 feet; thence
16 North 745 feet; thence in a Northwest direction on a straight line to a point
17 329 feet South of the Northwest corner of said Lot 3; thence South to place
18 of beginning.

19 ALSO in Section 14, Township 37 North, Range 18 West of the 5th Principal
20 Meridian, all of the Southeast Quarter of the Northwest Quarter and the
21 South Half of the North-east Quarter, EXCEPT 1 3/4 acres in the Northeast
22 corner of the Southeast Quarter of the Northeast Quarter, described as
23 follows: Beginning at the Northeast corner of said Southeast Quarter of the
24 Northeast Quarter; thence West 472 feet; thence in a Southeast direction on
25 a straight line to a point 329 feet South of above mentioned Northeast corner
26 of the Southeast Quarter of the Northeast Quarter; thence North to place of
27 beginning. EXCEPTING ALSO that part of the South Half of the Northeast
28 Quarter of Section 14, Township 37 North, Range 18 West, bounded as
29 follows: Beginning on the South line at the Southwest corner of the
30 Southeast Quarter of the Northeast Quarter; thence West 70 yards; thence
31 North 70 yards; thence East 70 yards; thence South 70 yards to the place of
32 beginning; thence beginning at the above mentioned Southwest corner of the
33 Southeast Quarter of the Northeast Quarter; thence East 150 feet to a road;

34 **thence in a Northeast direction following said road 250 feet; thence North**
 35 **100 feet; thence in a Southwest direction 306.5 feet to a point 70 yards North**
 36 **of the said Southwest corner of said Southeast Quarter of the Northeast**
 37 **Quarter; thence South to the place of beginning. All of the above described**
 38 **lands being in Camden County, Missouri.**

39 **2. The commissioner of administration shall set the terms and conditions for the**
 40 **conveyance as the commissioner deems reasonable. Such terms and conditions may**
 41 **include, but not be limited to, the number of appraisals required and the time, place, and**
 42 **terms of the conveyance.**

43 **3. The attorney general shall approve the form of the instrument of conveyance.**

Section 5. 1. The director of the department of natural resources is hereby
 2 **authorized and empowered to sell, transfer, grant, convey, remise, release, and forever**
 3 **quitclaim to all interest of the department of natural resources in property located in**
 4 **Jackson County, Missouri, to the City of Independence. The property to be conveyed is**
 5 **more particularly described as follows:**

6 **TRACT I:**

7

8 **All of Lots 5, 8, 9 and 12, Catherine Atkins Subdivision of Lot 7 of**
 9 **Woodson's Subdivision of Lots 93, 130, 131 and 142, OLD TOWN**
 10 **OF INDEPENDENCE, a Subdivision in Independence, Jackson**
 11 **County, Missouri, lying North of the Lexington Branch of the**
 12 **Missouri Pacific Railroad.**

13

14 **TRACT III:**

15

16 **All of the West half of Lot 141, OLD TOWN OF INDEPENDENCE,**
 17 **a Subdivision in Independence, Jackson County, Missouri, lying**
 18 **North of the Lexington Branch of the Missouri Pacific Railroad.**

19

20 **TRACT IV:**

21

22 **All of the South 281 1/2 feet of the East ahlf of Lot 141, OLD TOWN**
 23 **OF INDEPENDENCE, a Subdivision in Independence, Jackson**
 24 **County, Missouri, except the South 166 1/2 feet thereof and except**
 25 **ALL that part of Lot 141. OLD TOWN INDEPENDENCE, a**
 26 **Subdivision in Independence, Jackson County, Missouri, described**

27 as follows: Commencing at the Southeast corner of said Lot 141;
28 thence North along the East line of said Lot 141, a distance of 166 1/2
29 feet to the true point of beginning; thence continuing North along
30 said East line of said Lot 141, a distance of 115 feet; thence West 100
31 feet; thence South 115 feet; thence East to the point of beginning,
32 according to the recorded plat thereof.

33

34

TRACT V:

35

36

37

38

39

40

All of the West half of Lot 141, OLD TOWN OF INDEPENDENCE,
a Subdivision in Independence, Jackson County, Missouri, lying
South of the Lexington Branch of the Missouri Pacific Railroad,
except the South 166 1/2 feet thereof.

41

TRACT II:

42

43

44

45

46

47

48

All of Lot 12, Catherine Atkins Subdivision of Lot 7 of Woodson's
Subdivision of Lots 93, 130, 131 and 142, OLD TOWN OF
INDEPENDENCE, a Subdivision in Independence, Jackson County,
Missouri lying South of the Lexington Branch of Missouri Pacific
Railroad.

49

TRACT VI:

50

51

52

53

54

All of the South 166 1/2 feet of Lot 141, OLD TOWN OF
INDEPENDENCE, a Subdivision in Independence, Jackson County,
Missouri, except the South 30 feet thereof in street.

55

56

57

58

59

Eugene L. Selders and Monica T. Selders were husband and wife
when they acquired title to the premises in question and remained
husband and wife, continuously, never having been dicorced, until
the date of his death on June 24, 1979 at Kansas City, Jackson
County, Missouri.

60

61

2. The director of the department of natural resources shall set the terms and
conditions for the conveyance as the commissioner deems reasonable. Such terms and

62 conditions may include, but are not limited to, the number of appraisals required, the time,
63 place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

✓